

Remarks:

Reconsideration of the application is requested.

Claims 1-13 remain in the application.

In item 3 on page 2 of the above-identified Office action, the drawings have been objected to as failing to comply with 37 CFR 1.84(p)(4) because the reference sign "10" has been used to designate both a control unit and an unknown item in Fig. 1 and the reference sign "15" has been used to designate both a synchronous belt and front stops.

Figs. 1 and 2 have been amended. Now the reference sign "10" only refers to a control unit and the reference sign "15" only refers to front stops. The specification has been amended accordingly.

In item 4 on page 2 of the above-identified Office action, the specification has been objected to as lacking clarity.

More specifically, the Examiner has stated that it is unclear how the lifting device 2 uses the vertical, non-harmonic oscillatory motion to press knives 3 against the knife 13. It can be clearly seen from Figs. 1 and 2 that the knives 3 are fixedly mounted on the lifting device 2 and thus move together with the lifting device 2. It is, therefore, clear that the

knives 3 can be pressed against the knife 13 during the vertical, non-harmonic oscillatory motion of the lifting device 2.

In item 6 on page 3 of the above-identified Office action, claims 1-10, 12, and 13 have been rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

More specifically, the Examiner has stated that it is unclear how the lifting device 2 uses the vertical, non-harmonic oscillatory motion to press knives 3 against the knife 13; it is uncertain if the whole lifting mechanism 2 moves up and down to move the knives 3 towards knife 13 or if the lifting mechanism pivots about the screw and during this pivot the blades are dropped down to cut the work piece; it is not clear what structure inside or outside the transmission 22 connects the first drive 1 to the lifting mechanism 2 and what structure allows the lifting mechanism 2 to have the vertical, non-harmonic oscillatory motion; and it is not clear what type of cutting is taking place.

It is noted that the enablement requirement under 35 U.S.C. § 112, first paragraph, does not require Applicants to disclose — everything necessary to practice the invention. In fact, what = is well-known is best omitted. All that is necessary is that — one skilled in the art be able to practice the claimed invention, given the level of knowledge and skill in the art. Further the scope of enablement must only bear a "reasonable correlation" to the scope of the claims. As concerns the breadth of a claim relevant to enablement, the only relevant concern should be whether the scope of enablement provided to one skilled in the art by the disclosure is commensurate with the scope of protection sought by the claims. See MPEP 2164.08.

A person skilled in the art would easily understand from the drawings and the disclosure of the invention of the instant application how the lifting device 2 uses the vertical, non-harmonic oscillatory motion to press knives 3 against the knife 13. How the lifting device 2 moves, how the transmission 22 connects the first drive 1 to the lifting mechanism 2, how the transmission 22 allows the lifting mechanism 2 to have the vertical, non-harmonic oscillatory motion, and what type of cutting is taking place are not essential to the invention of the instant application and are not claimed in the claims. These functions can be achieved by

a person skilled in the art in numerous ways without undue experimentation.

In item 8 on page 4 of the above-identified Office action, claims 1-10, 12, and 13 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

Claims 1-10, 12, and 13 are believed to be definite for the same reasons as discussed above.

It is accordingly believed that the specification and the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic and/or clarificatory reasons. The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claims for any reason related to the statutory requirements for a patent.

In view of the foregoing, an early issue of an Office action as to the merits of claims or an issuance of a Notice of Allowance is solicited.

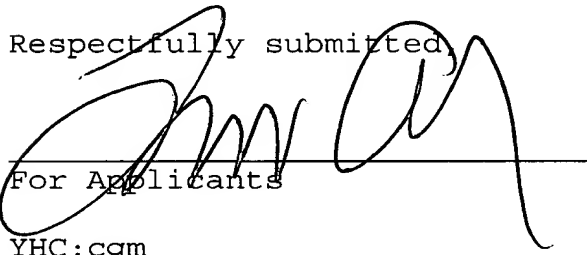
In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of two months pursuant to Section 1.136(a) in the amount of \$410.00 in accordance with Section 1.17 is enclosed herewith.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

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For Applicants

YHC:cgm

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